



08CV704
JUDGE CASTILLO
MAG. JUDGE COX

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

TEL: 309-671-7117

PAMELA E. ROBINSON
CLERK OF COURT

OFFICE OF THE CLERK
US COURTHOUSE
100 NE MONROE
309 FEDERAL BLDG.
PEORIA, IL. 61602

January 25, 2008

FILED

J.N

JAN 31 2008
JAN 31 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

In Re: 08-1028, Mascio vs. Jones

Dear Clerk:

On January 25, 2008, an order by the Honorable Michael M. Mihm, US District Judge, was entered transferring the above-mentioned case from this District Court to the US District Court, Peoria Division.

Enclosed is a certified copy of the docket sheet. This court is using the electronic filing system. You may access our electronic case file at the following address: <http://ecf.iled.uscourts.gov> to obtain the remaining documents. We have assigned a login and password for district courts to use in accessing this information. The login is: _____ and the password is _____. This login and password should not be shared with anyone other than federal court personnel who would have a need to access our electronic case file system. You will need Adobe Acrobat Reader loaded on your computer in order to view the documents.

Please acknowledge receipt of the docket by returning a copy of this letter.

Very truly yours,
PAMELA E. ROBINSON, CLERK

By s/C. Lambie
Deputy Clerk

RECEIPTED ACKNOWLEDGED ON:

BY

E-FILED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**

Petitioner.

Y.

Respondent.

Case No. 08-1028

08CV704

JUDGE CASTILLO
MAG. JUDGE COX

ORDER

This matter is presently before the Court on Petitioner, Donald Mascio's ("Mascio"),
Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. For the reasons set forth
herein, Mascio's § 2254 Petition is TRANSFERRED without any ruling on the merits of the
Petition or other pending motions.

Background

In 2007, Mascio was convicted of robbery in the Circuit Court of Cook County, Illinois, which is located within the Northern District of Illinois. He was sentenced to three years' imprisonment. Mascio is presently incarcerated in the Pontiac Correctional Center in the Central District of Illinois and filed the present § 2254 Petition in this district.

A \$2254 Petition:

[M]ay be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application.

28 U.S.C. §2241(d). Accordingly, both the Northern and Central Districts of Illinois have jurisdiction over this action. "[T]he district court for the district wherein such an application

is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination." 28 U.S.C. § 2241(d).

Although Mascio is incarcerated in the Central District of Illinois, he was convicted and sentenced in the Northern District of Illinois. His present claims that his right to be free from double jeopardy was violated when he was sentenced to two concurrent terms arising from one single incident and that he has been denied due process and equal protection of law because "the legislative public act 80-1099 under which his sentencing structure was extapilated [sic] and imposed from is a blatant form of age/gender discrimination" implicate his original conviction and sentence in the Northern District. Thus, the Court finds that the Northern District of Illinois is a more convenient forum for the hearing and determination of this habeas corpus action, particularly because the records of Mascio's criminal proceedings may be found there, as may any witnesses and other participants in such proceedings. Accordingly, this Court TRANSFERS this matter to the Northern District of Illinois without addressing any of the pending motions, and proceedings in this District are terminated.

ENTERED this 25th day of January, 2008.

s/ Michael M. Mihm
Michael M. Mihm
United States District Judge

08CV704
JUDGE CASTILLO
MAG. JUDGE COX

12, CLOSED, HABEAS, PROSE

U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Peoria)
CIVIL DOCKET FOR CASE #: 1:08-cv-01028-MMM
Internal Use Only

FILED

JAN 31 2008
JAN 31 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Mascio v. Walker et al
Assigned to: Judge Michael M. Mihm
Cause: 28:2254 Petition for Writ of Habeas Corpus
(State)

Date Filed: 01/23/2008
Date Terminated: 01/25/2008
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

Donald Mascio

represented by **Donald Mascio**
B15769
PONTIAC
Pontiac Correctional Center
Inmate Mail/Parcels
PO Box 99
Pontiac, IL 61764
815-842-2816
PRO SE

V.

Respondent

Roger Walker

Respondent

Eddie Jones

A TRUE COPY
ATTEST:
PAMELA E. ROBINSON, CLERK
BY: *C. Gambles*
DEPUTY CLERK
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
DATE: 1-23-08

Date Filed	#	Docket Text
01/23/2008	<u>1</u>	PETITION for Writ of Habeas Corpus pursuant to 2254, filed by Donald Mascio.(CL, ilcd) Modified on 1/23/2008 (CL, ilcd). (Entered: 01/23/2008)

01/23/2008	<u>2</u>	PETITION for Leave to Proceed in forma pauperis by Petitioner Donald Mascio. Responses due by 2/11/2008 (CL, ilcd) (Entered: 01/23/2008)
01/23/2008	<u>3</u>	MOTION to Appoint Counsel by Petitioner Donald Mascio. Responses due by 2/11/2008 (CL, ilcd) (Entered: 01/23/2008)
01/25/2008	<u>4</u>	ORDER transferring case to the Norther District of Illinois without addressing any of the pending motions, and proceedings in this District are terminated. Entered by Judge Michael M. Mihm on 1/25/2008. (CL, ilcd) (Entered: 01/25/2008)